

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

v.

Case No. 1:13-md-2419-RWZ

This Document Relates to:

All Cases

**DEFENDANT LIBERTY INDUSTRIES, INC.'S
MOTION TO LIFT THE DISCOVERY STAY
WITH RESPECT TO THE AFFILIATED DEFENDANTS**

Defendant, Liberty Industries, Inc. ("Liberty") moves to lift the discovery stay currently in place with respect to Ameridose, LLC, GDC Properties Management, LLC, Medical Sales Management, Inc., Medical Sales Management SW, Inc., Barry J. Cadden, Gregory Conigliaro, Lisa Conigliaro Cadden, Douglas Conigliaro, Carla Conigliaro, and Glenn A. Chinn (collectively, the "Affiliated Defendants").

The Affiliated Defendants, as the owners, operators, and employees of New England Compounding Center ("NECC") and its affiliated companies, are the most likely sources of evidence relevant to Liberty's claims and defenses. Liberty requires discovery from them regardless of any settlement reached by the Affiliated Defendants with the Plaintiffs' Steering Committee and Chapter 11 Trustee. Because the discovery stay has outlived its usefulness and good cause exists to lift it, and for all of the reasons stated in the accompanying Memorandum of Law in Support, Liberty's Motion to Lift the Discovery Stay With Respect to the Affiliated Defendants should be ALLOWED.

Respectfully submitted,

Defendant,
LIBERTY INDUSTRIES, INC.,
By its attorneys,

/s/ Peter G. Hermes

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Dated: June 27, 2014

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that counsel for Liberty Industries, Inc. conferred with counsel for the Affiliated Defendants and attempted in good faith to resolve or narrow the issues raised herein.

/s/ Peter G. Hermes

Peter G. Hermes

CERTIFICATE OF SERVICE

Pursuant to Local Rules 5.2(b)(2) and 5.4 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent by first-class mail to those indicated as non-registered participants, if any, on June 27, 2014.

/s/ Peter G. Hermes

Peter G. Hermes